

REMARKS

The Office examined claims 1-20 and rejected same. With this paper, the claims are unchanged.

Claim Rejections under 35 USC §103

On page 2, section 2 of the Office Action, claims 1-6, 8 and 11-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sun (U.S. Patent No. 6,774,838, Sun hereinafter) in view of Syrjarinne *et al.* (U.S. Pub. No. 2003/0107514, Syrjarinne-Valio hereinafter). The application of Syrjarinne-Valio has a publication date of June 12, 2003. It later became U.S. Patent No. 6,812,887, issued on November 2, 2004.

On page 9, section 3 and page 10, sections 4 of the Office action, other claims of the present application are rejected based on Sun and Syrjarinne-Valio as applied to claims 1-6, 8 and 11-19, and further in view of other references.

Of the pending claims, claims 1, 11, 15 and 16 are independent, and are all rejected based on the combination of Sun and Syrjarinne-Valio. The Office relies on Syrjarinne-Valio for teaching "the power control signals for powering on or off selected components of the GPS receiver in standby mode (see fig. 1, RF front end 11 and base band processor 14 and fig. 3, steps 34-35, page 2, sections [0016-0022] and page 3, section [0028-0032])" (page 3, lines 11-12 of the Office Action).

Applicant respectfully submits that the Syrjarinne-Valio is not a valid prior art reference under 35 U.S.C. §103(a).

The Office does not assert a ground under which section of 35 U.S.C. §102 for the rejection under 35 U.S.C. §103(a). The possibilities intended by the Office can only be assumed as either under §102(a) or under §102(e). Applicant respectfully submits that Syrjarinne-Valio is not a valid prior art reference under either of the sections.

1. Syrjarinne-Valio reference is not a valid prior art reference under 35 U.S.C. §102(a)

The subject matter relied on is indicated on page 3 of the Office Action as "the power control signals for powering on or off selected components of the GPS receiver in standby mode." The Office cites Fig. 1, RF front end 11 and base band processor 14 and Fig. 3, steps 34-35, page 2, sections [0016-0022] and page 3, sections [0028-0032]. It is understood that this means the Office alleges that the claim limitation "*the power control signals for powering on or off selected components of the ranging receiver so as to put the ranging receiver in standby mode as opposed to fully active mode but not fully powered off*" is provided by Syrjarinne-Valio at the above-cited locations.

In fact, the Syrjarinne-Valio reference does not teach putting a receiver in a standby mode, but instead teaches turning off the RF front end and base band processor and continuing operation assuming motion according to a mix of motion models while it is not receiving and processing ranging signals. The Syrjarinne-Valio invention claims only providing a partial duty cycle according to which this turning off (and on) of the RF front end and base band is done (a step of adopting a partial duty cycle indication a percentage of time selected receiver components are powered on, based on the mix of models used in successive solutions--claim 1).

According to the MPEP at 706.02(b), a rejection based on 35 U.S.C. §102(a) can be overcome by:

(D) Filing an affidavit or declaration under 37 CFR 1.132 showing that the reference invention is not by "another." See MPEP §715.01(a), §715.01(c), and §716.10.

At MPEP §715.01(a), it is explained that:

When subject matter, disclosed but not claimed in a patent or application publication filed jointly by S and another, is claimed in a later application filed by S, the joint patent or application publication is a valid reference under 35 U.S.C. 102(a) or (e) unless overcome by affidavit or declaration under 37 CFR 1.131 or an unequivocal declaration under 37 CFR 1.132 by S that he/she conceived or invented the subject matter disclosed in the patent or application publication and relied on in the rejection. *In re DeBaun*, 687 F.2d 459, 214 USPQ 933 (CCPA 1982).

At MPEP §716.10, it is explained that:

An uncontradicted "unequivocal statement" from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982).

In a Declaration under 37 CFR 1.132 filed herewith, it is stated that Jari Syrjarinne, the first-named inventor of the Syrjarinne-Valio reference and the first-named inventor of the present application, conceived the feature "turning on and off of the RF front end and base band processor" as disclosed in Syrjarinne-Valio. The subject matter was not claimed in Syrjarinne-Valio (but instead only adopting a partial duty cycle according to which this turning on and off is done is claimed).

Therefore, the subject matter indicated by the Office in the rejection, i.e. "power control signals for powering on or off selected components of the GPS receiver," is not invented by another. (There is no teaching by the Syrjarinne-Valio reference of putting the receiver in standby mode.)

For that subject matter not to be available as a basis for rejection under 35 U.S.C. §102(a), it is further required that it not be claimed (MPEP § 715.01(a)). The Syrjarinne-Valio reference claims only a step of or means for "adopting a partial duty cycle indicating a percentage of time selected receiver components are powered on, based on the mix of models used in successive solutions." This is different from a claim including as a limitation power control signals for powering on or off selected components of a GPS receiver. As is commonly known, a duty cycle is a schedule for when to turn on one or more components and when to turn them off, and so the turning on and off is repeated over and over again, according to the schedule. Thus, adopting a partial duty cycle results in a schedule for periodically turning on and off selected components. This is not the same thing as "power control signals for powering on or off selected components of the GPS receiver."

Thus, the subject matter relied on in the reference patent was developed by an inventor in the present application and was not claimed in the reference patent. Therefore, the Syrjarinne-Valio reference is not prior art under 35 U.S.C. §102(a).

2. Syrjarinne-Valio reference is not a valid prior art reference under 35 USC §102(e)

Further, Syrjarinne-Valio is not a reference for purposes of 35 U.S.C. §103(a) under 35 U.S.C. §102(e), since 35 U.S.C. §103 provides that, "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicant hereby declares that the subject matter relied on in Syrjarinne-Valio and the instant application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely Nokia Corporation. (This statement is believed to be sufficient evidence, according to the MPEP at 706.02(I)(2)(II), "EVIDENCE REQUIRED TO ESTABLISH COMMON OWNERSHIP.")

For the reasons given, applicant respectfully requests that the rejections of the independent claims under 35 U.S.C. §103(a) be reconsidered and withdrawn, and also the rejections of the claims not argued, at least by virtue of their dependencies.

Affidavit under 37 CFR 1.132

The above-mentioned Declaration under 37 CFR 1.132 is attached herewith.
Consideration of the Declaration is respectfully requested.

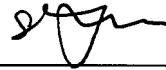
Conclusion

For all the foregoing reasons, it is believed that all of the claims of the application are allowable, and their passage to issue is earnestly solicited. The undersigned Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Respectfully submitted,



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